

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No.     05-CV-0974  
(04-CR-78)**

**RODRIGO PUENTES, JR.,**

**Movant.**

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**DECISION AND ORDER**

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On September 12, 2005, the movant Rodrigo Puentes, Jr. (“Puentes”) filed his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Puentes filed an amended motion on March 13, 2006, and, on March 22, 2006, the Court ordered the United States to file an answer, motion or other response by April 28, 2006. On May 12, 2006, the Court granted the United States’ motion to file its response *instantly*.

On July 6, 2006, this Court received a letter from Puentes, dated July 1, 2006. In his letter, Puentes asks the Court to grant his motion because the United States’ response was untimely. In Puentes’s words, the Court should “apply the same hammer used by the Courts when a pro se defendant is untimely and has failed to comply with Court orders . . . .” Second, though the United States provided this Court with a certificate of service, Puentes

claims that he has not received a copy of the United States' response. Thus, Puentes asks for an extension of time in which to file his reply.

Despite Puentes' characterization, courts generally do not award relief based on a party's singular instance of failing to meet a deadline. At any rate, the Court accepted, via margin order, the United States' untimely brief and Puentes has offered no reason for the Court to reconsider that order. To remedy Puentes's claim that he did not receive a copy of the response, the Court will provide him a copy along with this decision. The Court will also set a date certain by which Puentes must submit his reply, if he chooses to file one.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:**

Puentes **SHALL** file his reply no later than September 4, 2006.

The clerk of court shall send Puentes, with this decision and order, a copy of the United States' response filed on May 12, 2006.

Dated at Milwaukee, Wisconsin this 20th day of July, 2006.

**BY THE COURT**

s/ Rudolph T. Randa  
**Hon. Rudolph T. Randa**  
**Chief Judge**